

### **REMARKS**

Claims 33-51 and 53-62 are pending and under examination. Applicant respectfully traverses the rejection of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0055738 (“*Alie*”).

#### **Rejection of Claims under 35 U.S.C. § 102(b):**

Applicant requests reconsideration and withdrawal of the rejection of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62 under 35 U.S.C. § 102(b) as being anticipated by *Alie*. Applicant first points out that the rejection is, again, legally deficient, because the Office Action still has not addressed the pertinence of the cited reference to each feature of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62. 37 C.F.R. § 1.104(c) requires the Examiner must do more than merely state that a claim is rejected based on a reference. In particular, 37 C.F.R. § 1.104(c)(2) states:

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Office Action again did not address the pertinence of *Alie* to each feature of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62. Instead, in the Office Action (and similarly in the Final Office Action mailed February 2, 2010, and the Office Action mailed July 21, 2009), the Examiner merely restated or paraphrased each of Applicant’s claims, and cited a very large range of paragraphs within *Alie* (*see*, for example, Office Action, pages 3-6, where the Examiner cited the same ranges of paragraphs [0058-0068] and [0070-0096] when rejecting claims 33, 44, 48, 53, 60, and 62), without any explanation of why such ranges of paragraphs of *Alie* would supposedly be considered pertinent to each of the features recited in Applicant’s claims. As such, the rejection of claims 33, 35-45, 47-49, 51, 53, 54, and 56-62 under 35 U.S.C. § 102(b) does not meet the requirements of 37 C.F.R. § 1.104 and is thus improper.

Second, in the “Response to Arguments” section of the Office Action, the Examiner asserted that Applicant’s arguments “have been considered but are moot in view of new ground(s) of rejection.” Office Action, page 2. In this case, the M.P.E.P. requires that “[t]he examiner must, however, address any arguments presented by the applicant which are still relevant to any references being applied.” M.P.E.P. § 707.07(f). The Office Action, however, applied *Alie* again and for nearly identical reasons to reject Applicant’s claims 33, 35-45, 47-49, 51, 53, 54, and 56-62 without addressing any arguments presented by the Applicant in the Amendment filed April 29, 2010. *See* Office Action, pages 3-9. Therefore, the rejection is improper for at least this reason.

Therefore, Applicant requests that the next action from the Office, if not a Notice of Allowance, be made nonfinal, in order to afford Applicant a fair opportunity to reply to an action which should be in compliance with the requirements of 37 C.F.R. § 1.104.

Third, in order to establish anticipation under 35 U.S.C. § 102 , the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in *Alie*. *See* M.P.E.P. § 2131. *Alie*, however, does not disclose each and every element of Applicant’s claims. Specifically, as presented in the Amendment filed April 29, 2010, *Alie* does not disclose at least the following claim elements recited in claim 33:

performing a first, SIM-based authentication of the user’s data processing terminal in the data processing system at an authentication data processing server, said performing the SIM-based authentication comprising operatively associating with the user’s data processing terminal a first subscriber identity module issued to the data processing terminal user;

conditioning the authentication of the user’s data processing terminal in the data processing system to a second authentication, said second authentication being based on identification information provided to the user at the mobile communication terminal through the mobile communication network using a

second subscriber identity module. (Emphases added, independent claims 44, 48, 53, and 60 containing similar recitations.)

In contrast, *Alie* discloses only one SIM used in a user's personal mobile device. *See Alie*, Figs. 12-14. *See also Alie*, paragraph [0092]. The SIM in *Alie*'s system is only provided in the mobile handset (*see Alie*, Fig. 12, reference number 1205 and 1204) and there is only one authentication process between the server and the mobile handset using the SIM. *See Alie*, Figs. 6, 7a, 7b, and 8. Therefore, *Alie* does not disclose or suggest the claimed "a second subscriber identity module" and/or "a second authentication," as recited in amended claim 33 (and similarly in claims 44, 48, 53, and 60).

Since *Alie* does not disclose each and every element of independent claim 33, *Alie* does not anticipate Applicant's independent claim 33 under 35 U.S.C. § 102(b). Therefore, independent claim 33 should be allowable over *Alie*. Independent claims 44, 48, 53, and 60, while of different scope, contain similar recitations as independent claim 33, and should also be allowable for at least the same reasons as independent claim 33. In addition, dependent claims 35-43, 45, 47, 49, 51, 54, 56-59, 61, and 62 should also be allowable at least by virtue of their respective dependence from independent claim 33, 44, 48, 53, or 60, and because they recite additional features not disclosed in *Alie*. Accordingly, Applicant respectfully requests withdrawal of the rejection.

**Regarding the Objection to Claims 34, 46, 50, and 55**

As discussed above, independent claims 33, 44, 48, and 53 should be allowable over *Alie*. Therefore, claims 34, 46, 50, and 55, dependent from independent claims 33, 44, 48, and 53, respectively, should also be allowable. Accordingly, Applicant respectfully requests withdrawal of the objection.

**Conclusion:**

Applicant requests reconsideration of the application and withdrawal of the rejection. Pending claims 33-51 and 53-62 are in condition for allowance, and Applicant requests a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicant declines to automatically subscribe to any such statements or characterizations.

If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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